

Express Mail Label  
No. EV258649568US

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Diane K. Burnside, et al.

Art Group: 3738

Serial No.: 08/993,985 (Prior Appl.)

Examiner: Bruce E. Snow  
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-155

Filed:

For: Stent Graft with Bioabsorbable Structural Support

TRANSMITTAL

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (6 pages);
2. Divisional Application, consisting of 36 pages of text; 6 pages of claims; 1 page of Abstract and 33 sheets of drawings;
3. Copy of Declaration and Power of Attorney (signed) filed in prior application;
4. Copy of a later-filed Revocation of Prior Powers of Attorney and Power of Attorney;
5. Statement Regarding Divisional Application (2 pages);
6. Check in the amount of \$1128.00; and
7. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/761,512 is hereby incorporated by reference in the present application.

Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

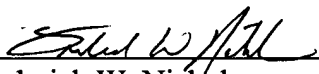


Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: September 30, 2003

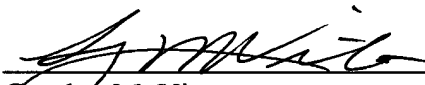
By:   
Frederick W. Niebuhr  
Reg. No. 27,717

Customer No. 23,452

### CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Stent Graft with Bioabsorbable Structural Support" including 43 pages of text and 33 formal drawing sheets, copy of Declaration and Power of Attorney, copy of a later-filed Revocation of Prior Powers of Attorney and power of Attorney, Statement Regarding Divisional Application, and check in the amount of \$1128.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: September 30, 2003

  
Geraldyn M. Vita

Mailing Label No.: EV258649568US

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Diane K. Burnside, et al.

Art Group: 3738

Serial No.: 08/993,985 (Prior Appl.)

Examiner: Bruce E. Snow  
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-155

Filed:

For: Stent Graft with Bioabsorbable Structural Support

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STATEMENT REGARDING DIVISIONAL APPLICATION

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests examination of the enclosed application submitted in the form preferred for publication, including specification, claims, abstract and drawings. The enclosed application incorporates the following amendments of the prior application:

In the Specification:

On the first page, after the title, the following additional paragraph is inserted:

--This is a divisional of copending prior application Serial No. 08/993,985,  
filed December 18, 1997.--

On pages 1, 11, 16, 34 and 35, the specification has been amended to identify by number the U.S. patents corresponding to the U.S. patent applications identified in the prior application.

On pages 3, 12 and 16, the specification is amended to correct typographical or grammatical errors.

In the Claims:

Claims 1-35 are cancelled.

Claims 36-76 are added.

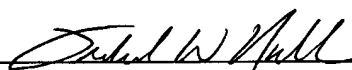
The formal drawings are the same as those submitted in the prior application, in particular with a Letter Transmitting Formal Drawings dated May 27, 1998 and (as to sheet 28/33) a submittal dated May 13, 1999 entitled "Replacement Drawing."

Consideration of claims 36-76 on the merits is respectfully requested.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: September 30, 2003

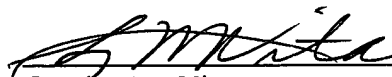
By:   
Frederick W. Niebuhr  
Reg. No. 27,717

Customer No. 23,452

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Statement Regarding Divisional Application is being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: September 30, 2003

  
Geralyn M. Vita

Mailing Label No.: EV258649568US

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Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Diane K. Burnside, et al. Art Group: 3738  
Serial No.: 08/993,985 (Prior Appl.) Examiner: Bruce E. Snow (Prior Appl.)  
Serial No.: (New Appl.) Atty. Docket: 23,369-155

Filed:

For: Stent Graft with Bioabsorbable Structural Support

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REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request under 37 CFR 1.53(b) for filing a Divisional Application (Divisional) of copending prior application Serial No. 08/993,985 filed December 18, 1997.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) - 36 pages;  
claims (including new claims) - 6 pages;  
abstract - 1 page;  
formal drawings - 33 sheets; and  
declaration and power of attorney - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 08/993,985, which application is incorporated by reference in this application. A copy of prior application Serial No. 08/993,985 is not enclosed.

**B. Amendments**

The prior application is amended by canceling original claims 1-35, and by adding new claims 36-76. Accordingly, the filing fee is calculated based upon claims 36-76.

**C. Title**

1. The title of the original application is:

Stent Graft with Bioabsorbable Structural Support

2. The title of this application is:

Stent Graft with Bioabsorbable Structural Support

**D. Identification of Inventors**

1. The name and correspondence address of the original inventor:

Diane K. Burnside  
973 118th Lane NW  
Coon Rapids, MN 55448

Jonathan S. Stinson  
14815 Fourth Avenue North  
Plymouth, Minnesota 55447

Paul F. Chouinard  
1650 Hwy 36 NW #262  
Roseville, MN 55113

2. Name and current correspondence address of each present inventor:

Diane K. Burnside  
973 118th Lane NW  
Coon Rapids, MN 55448

Jonathan S. Stinson  
14815 Fourth Avenue North  
Plymouth, Minnesota 55447

Paul F. Chouinard  
1650 Hwy 36 NW #262  
Roseville, MN 55113

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application.

The inventorship in this application is the same as in the prior application.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney, executed by Diane K. Burnside, Jonathan S. Stinson and Paul F. Chouinard, dated December 18, 1997, and filed in the original application, is enclosed herewith.

H. Small Entity Status

Not applicable.

I. Formal Drawings

Copies of thirty-three (33) sheets of formal drawings are enclosed herewith, for use in lieu of the informal drawings filed with the original application.

J. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee (large entity)	\$750.00
Number of independent claims, minus 3 = 0 times \$84.00	0.00
Total number of claims in excess of 20 = 21 times \$18.00	<u>378.00</u>
Total Filing Fee	\$1128.00

K. Fee Payment

A check in the amount of \$1128.00 is enclosed to cover the filing fee.

L. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

M. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

N. Priority - 35 U.S.C. 119

Not applicable.

O. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending prior application Serial No. 08/993,985, filed December 18, 1997 --.

See Item S below as to copendency.

P. Assignment

An assignment of the prior application was recorded December 18, 1997 on Reel 8910, beginning at Frame 0650.

Q. Power of Attorney

1. The most recent power of attorney in the prior application is a Revocation of Prior Powers of Attorney and Power of Attorney dated December 4, 1998, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.



2. Direct all future communications regarding this application to:

Frederick W. Niebuhr  
Registration No. 27,717

Customer No. 23,452

Telephone No. (952) 896-1574

- R. Petition for Extension of Time in Prior Application

Not applicable.

- S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

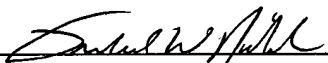
The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

- T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully Submitted,  
Boston Scientific Scimed, Inc.

Dated: September 30, 2003

By:   
Frederick W. Niebuhr  
Reg. No. 27,717

Customer No. 23,452

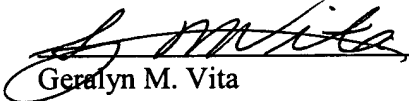
Direct Telephone: (952) 896-1574

## CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Request for Divisional Application (of application Serial No. 08/993,985) and accompanying papers including application text (43 pages), 33 sheets of formal drawings, declaration (copy) and power of attorney (copy) and Statement Regarding Divisional Application, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

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